

CLAY TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES
May 9, 2011

The Supervisors of Clay Township met on a regularly scheduled meeting date of May 9, 2011, at 7:00 p.m. at the Clay Township Municipal Office, 870 Durlach Road, Stevens, Pennsylvania, at a time and place duly established to hold such a meeting, and advertised and posted in accordance with the Second Class Township Code and the Sunshine Law.

Supervisors present were Timothy Lausch, Chair; Justin Harnish, Vice-Chair; and A. Keith Martin, Secretary.

Also present were Jennifer Mejia, of Shirk & Mejia, LLP, Township Solicitor; and Clay Township employee, Earl Stauffer, Road Master. Also present were all those persons listed on the Attendance Sheet, which is attached hereto and incorporated herein by reference. Clay Township Manager, Bruce Leisey, was ill and therefore not present. Bob Lynn, Engineer, of Hanover Engineering was unable to attend the meeting.

Timothy Lausch called the Meeting to order at 7:00 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Justin Harnish, to approve the April 11, 2011 meeting minutes as printed in the May 9, 2011 Agenda. * The motion was approved unanimously.

Treasurer's Report

Justin Harnish made a motion, seconded by Keith Martin, to approve the Treasurer's Report for the month of April 2011. * The motion was approved unanimously.

Visitors

1. Jere and Donna Bollinger

The Bollingers were present and discussed their request of May 5, 2011, in which they asked the Clay Township Board of Supervisors to reimburse the \$500.00 fee they will incur for seeking a variance from the Zoning Hearing Board to allow them to maintain two buildable lots under Section 302 of the Zoning Ordinance. The Bollingers are considering combining their two tracts onto one deed to correct a boundary problem resulting from one of their existing chicken houses crossing boundary lines.

The Bollingers also requested that the Board write a letter in support of their variance request to the Zoning Hearing Board.

The Board explained that it would discuss the matter in Executive Session and would make a decision at that time. The Bollingers were invited to stay until the end of the meeting and were advised that they would be contacted the following day at their request.

2. Execute a Memorandum of Understanding with the Lancaster County Conservation District.

Keith Martin made a motion, seconded by Justin Harnish, to approve the execution of a Memorandum of Understanding with Lancaster County Conservation District. * The motion passed unanimously.

3. Lynn Weaver

Lynn Weaver reported that there is grass over a foot high at 508 Countryside Drive. Mr. Weaver reported that he contacted Town & Country, the realtor that has the property listed, and states that the lawn has not been mowed in at least six weeks. Mr. Weaver shared photos of the property with the Board. The Board will have Bruce Leisey and Randy Maurer follow up as necessary to bring the property into compliance with the Township Property Maintenance Code.

Mr. Weaver also stated that he would like Ephrata Borough to be considered as a possibility regarding the Police regionalization issue.

Keith Martin reported that the Township is still in the fact-finding phase regarding the regionalization study results and that the Ephrata Borough option was placed on the table, but that the Township is more interested in pursuing the regionalization option with Warwick Township.

Mr. Martin reported that there are tentative plans to schedule a meeting for the first week in June 2011. This would be a Special Meeting only to discuss the regionalization matter. This meeting will be advertised in the newspaper pursuant to public notice requirements.

4. Denny Scott and Rick Bernarduci from Wildflower Pond

Mr. Scott and Mr. Bernarduci raised the issue of sinkholes reappearing in the storm water detention basin.

Keith Martin stated that he spoke with Bruce Leisey and that Bruce Leisey and Bob Lynn will be

examining this problem. It is believed that Joe Conigliaro and Dr. Busko, who are also responsible for a portion of the repairs, have been notified.

There was then discussion on the Agreement regarding repairs to the sidewalks. Jennifer Mejia reported that she spoke with Attorney John Mateyak and that he indicated that he would be getting signatures from the necessary parties and would be forwarding the document to the Township for execution. As of the date of the meeting, the signed Agreement was not yet received. If it is not yet received by the end of this week, Attorney Mejia will follow up with Attorney Mateyak.

The problem of sinkholes remediation was discussed in general. The HOA formation was also discussed in general. The residents were advised to seek advice from independent legal counsel regarding their concerns about taking the property over from the Developer.

5. Lou Katz

Mr. Katz discussed the Clearview Gardens landscaping plan and indicated that the Homeowners' Association had been forwarding an email around via internet giving residents the option of voting for either 105 trees or 75. He was concerned that there was not a great deal of explanation provided. However, he also stated that he believed that the majority of the residents would not be concerned regarding the details of the plantings.

Jennifer Mejia reported that we hope to have an update from the Homeowners' Association prior to the June meeting.

New Business:

1. Home Towne Square

There was a discussion regarding Home Towne Square. Dr. Cappiello, and Randy and Joyce Eberly were present to discuss the issues of water runoff onto their properties. Both parties showed photos to the Board to describe the problem.

There was significant discussion regarding the problems with the stagnant water and possibly mosquitoes. The Board stated it would direct Bob Lynn, the Township Engineer, to explore whether or not Landmark Builders is in compliance with their storm water plan and the Board will consider possible options of how to facilitate a resolution to the problem.

The Board stated that this matter should be listed on the Agenda again next month, so that the matter will continue to receive attention.

2. Bridge on Clay Road

Justin Harnish made a motion, seconded by Keith Martin, to approve the awarding of a bid to Kompass Maintenance Co. as low bidder for the painting of the bridge in conjunction with Warwick Township and Elizabeth Township. The approximate cost for Clay Township will be \$11,000.00 of the total cost of \$44,000. We believe these funds will be taken from liquid fuel funds. * The motion passed unanimously.

3. Bills to be Paid

Justin Harnish made a motion, seconded by Keith Martin, to approve payment of the General, Recreational and Sewer Fund bills totaling \$56,802.78 for the month of April. * The motion was approved unanimously

Justin Harnish noted to Roadmaster Earl Stauffer that several residents have said “thank you” for the work performed on Stoney Lane.

4. Durlach School Road and Wood Corner Road

The issue of the stop bars at Wood Corner and Clay School Roads were discussed and the Board suggested that Earl Stauffer and Bob Lynn go to the intersection to discuss the location of the stop bars.

Executive Session

Justin Harnish made a motion, seconded by Keith Martin, to enter into executive session at 8:45 p.m. to discuss potential litigation and personnel issues. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Justin Harnish, to exit executive session at 9:20 p.m. * The motion was unanimously approved.

Upon reconvening the public meeting following Executive Session, Justin Harnish made a motion, seconded by Tim Lausch, to authorize Township personnel to write a letter of support for a variance to the Township Zoning Hearing Board; to deny the Bollingers’ request for payment of the \$500.00 fee; but to not charge the Bollingers for professional services provided to date or related to the Township’s support of the variance request. * The motion passed unanimously. Justin Harnish will notify the Bollingers.

Adjournment

There being no further business, Keith Martin made a motion, seconded by Justin Harnish, to adjourn the meeting at 9:25 p.m. *The motion was approved unanimously.

CLAY TOWNSHIP BOARD OF SUPERVISORS

Timothy Lausch, Chair

Justin Harnish, Vice-Chair

A. Keith Martin, Secretary

H:\CLAY TWP\Documents\MINUTES\MINUTES 05 09 11 Regular BoS Mg.wpd .. mbt 05 11 11; 06 08